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JOINT FORCES HEADQUARTERS – ALASKA
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MEMORANDUM FOR ALASKA NATIONAL GUARD TECHNICIANS AND SUPERVISORS

SUBJECT: Administration of Certain categories of Leave and Absence (HRO Policy Letter 14-04)

1. PURPOSE. This policy provides additional guidance on certain types of paid and unpaid leave. General Leave Administration is covered under 5 C.F.R. 630 Absence and Leave. This policy supersedes previous HRO Policy Letters.

2. REFERENCES. (a) 5 U.S.C. Chapter 63, "Leave"; (b) 5 C.F.R. 630 "Absence and Leave"; (c) NGB TPR 630 (Absence and Leave Program); (d) Office of Personnel Management, "Guidance for Agency-Specific Domestic Violence, Sexual Assault, and Stalking Policies," February 2013; (e) DMVA PAM 10-1/State SOP #10-1 "State Active Duty". (f) DoD 1400.25-M, subchapter 630.

3. DISCUSSION. Statutory basis for administering the technician leave program is Title 5, United States Code, Part III, Subpart E, Chapter 63 and may be found at <http://www.access.gpo.gov/uscode/title5/partiiisubpartechapter63.html>. Refer to the OPM website at <http://www.opm.gov/oca/leave> for complete leave administration guidance. Bargaining Unit members are subject to the Labor/Management Agreement. Supervisors are responsible for approving leave IAW established regulations. ATAAPS (or equivalent technician time card program) or OPM Form 71, Request for Leave or Approved Absence (only if not using ATAAPS) will be used to request leave. It is available at <http://www.opm.gov/forms> and will be submitted by the employee to the immediate supervisor for leave processing. ATAAPS: https://af.ataaps.csd.disa.mil/ataaps12.1.2_AF4/index.jsp

- **Administrative Leave** is a paid excused absence from duty administratively authorized without loss of compensation or charge to leave. The Human Resources Officer or designated authority is the sole source of approval. It cannot be used to extend "down" days to technicians. Technicians can be granted liberal leave or placed on an alternate work schedule to create a "down" day effect. Written requests for Administrative Leave of 8 hours or more are to be forwarded by the immediate supervisor to HRO through their chain of command. Requests should arrive in the HRO at least 5 duty days prior to the desired date of absence. If administrative leave is requested through ATAAPS for more than eight hours, an approval from the HRO must be on file. Administrative Leave will normally be approved for the following situations:

- a. Participation in conferences and/or civil activities that are in the best interest of the federal government and as an official or delegate for private organizations such as ANGOA, ANGEA, NGEDA, NGAUS and NGEA.

- b. Up to 2 hours per pay period to volunteer with a community educational program. Refer to the current TAG Policy Regarding Volunteer Work for Schools during Duty Hours.

- c. Up to 4 hours, within an 8 week period, for blood donation or to take medical examinations for the employee's present position.

- d. Being unavoidable or necessarily absent from duty for less than one hour. This has been sometimes referred to as the "fifty-nine minute rule." Examples include a flat tire or automobile accident on the way to work.

- e. Up to 3 hours for time required to vote when employee's voting polls are not open at least three hours before or after regularly scheduled duty hours.

- f. May be granted during certain adverse weather/road conditions. Refer to the current HRO Policy on Inclement Weather and Base Closure.

g. Sexual assault victims: to file a police report about the sexual assault; seeking medical treatment, including mental health counseling resulting from the sexual assault; participating in civil or criminal court proceedings related to the sexual assault; participating with an advocacy program, such as a rape crisis center resulting from the sexual assault or other actions needed to protect the victim's safety and well being. When exercising this authority, supervisors and manager must: ensure that the State considers the safety of the victim, the safety of his or her co-workers'; as well as avoid disruption to the workplace. Additional workplace flexibilities for sexual assault victims are published in Reference (d).

- **State Active Duty.** Technicians must be in an approved leave status when on State Active Duty (SAD). Approved types of leave are compensatory time, time-off award, leave without pay (LWOP), annual leave or 22 days (176 hours) of law enforcement leave (LEL). LEL must be approved by the technician's respective command and the purpose is to provide military aid to enforce the law or assistance to civil authorities in the protection or saving of life or property or the prevention of injury, not to exceed 176 hours (DoD 7000 FMR Vol 8 Ch 5, Para 051809). LEL does not allow for dual compensation but ensures the employee is compensated at not less than the Federal technician pay rate.

- **Advance annual leave.** Supervisors may grant advance annual leave. The first consideration in advancing annual leave is a reasonable assurance the employee will return to work long enough to repay the leave. The amount of annual leave to be advanced is limited to the amount of annual leave an employee would accrue for the remainder of the leave year. Advance annual leave is not an entitlement. Employees will be required to repay the amount of advance leave for which he or she is indebted in the event they separate from Federal service prior to accruing the amount of leave advanced.

- **Advance sick leave.** An employee with may be granted up to a maximum of 240 hours of advance sick leave. The first consideration in advancing annual leave is a reasonable assurance the employee will return to work long enough to repay the leave. Advance sick leave repayment will be waived in the event the employee is separated with an OPM approved Disability Retirement to include under Special Provisions. Advance sick leave is appropriate for but not limited to an employee

- With a medical emergency.
- For purposes related to the adoption of a child.
- Bereavement purposes.

- **Family and Medical Leave (FMLA)** is a period of up to 12 weeks of job protection where in the employee is entitled by law to be away from the work place for the following circumstances with our without the use of paid leave. Supervisors and members should discuss this option and contact the HRO Benefits section for details.

- The birth of a son or daughter of the employee and the care of such son or daughter of the employee and the care of such son or daughter.
- The placement of a son or daughter with the employee for adoption or foster care.
- The care of a spouse, son, daughter or parent of the employee a person whose relationship with the employee is that of the above family members who has a serious health condition
- A serious health condition of the employee rendering the employee unable to perform the essential functions of his/her position.

4. Questions pertaining to this policy may be addressed to Employee Benefits (907) 428-6475.



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